



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Amendment of Lodi Municipal Code Section 10.56.020 as it relates to the removal of abandoned vehicles

MEETING DATE: September 15, 1993

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration and possible introduction of the attached ordinance.

BACKGROUND: Recently, it was called to our attention that Lodi's Vehicle Abatement ordinance for abandoned autos (LMC Chapter 10.56) when it was drafted at some unknown date in the past, did not include a provision addressing "horseless carriages" or "historical vehicles". These provisions are mandated by California Vehicle Code Section 22661(f).

Under State law, once a typical abandoned vehicle is removed pursuant to a local abatement ordinance, it may not thereafter be reconstructed or made operable. An exception is made for vehicles which qualify as "horseless carriages" or "historical vehicles", and the law allows those to be restored to operation even after abatement. The proposed ordinance is intended to comply with that provision.

FUNDING: Does not apply.

Respectfully submitted,

Bob McNatt  
City Attorney

BM/vc

APPROVED \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



recycled paper

ORDINANCE NO. 1586

=====

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
REPEALING AND REENACTING LODI MUNICIPAL CODE SECTION 10.56.020 (M)  
AS IT RELATES TO REMOVAL OF ABANDONED VEHICLES

=====

WHEREAS, California Vehicle Code Section 22661 allows local agencies to enact ordinances for removal of abandoned vehicles, providing therefor the specific provisions which such ordinances must contain; and

WHEREAS, the City of Lodi has, pursuant to this authority, enacted Lodi Municipal Code Chapter 10.56 for the purpose of dealing with the removal of such abandoned vehicles; and

WHEREAS, Lodi's ordinance does not contain a mandatory provision required by California Vehicle Code Section 22661(f) addressing horseless carriages and historic vehicles;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Existing Lodi Municipal Code Section 10.56.020 (M) is repealed in its entirety and reenacted as follows:

M. Removal of Vehicles. Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision if such notice is required by subsection K of this section, or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removing it to a

scrapyard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historic vehicle license plates pursuant to California Vehicle Code Section 5004, in which case, it may be reconstructed or made operable.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this            day of

\_\_\_\_\_  
PHILLIP A. PENNINO  
Mayor

Attest:

JENNIFER M. PERRIN  
City Clerk

=====  
State of California  
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1586 was introduced at a regular meeting of the City Council of the City of Lodi held September 15, 1993 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 1993 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Abstain: Council Members -

I further certify that Ordinance No. 1586 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN  
City Clerk

Approved as to Form

BOBBY W. McNATT  
City Attorney

ORD1586/TXTA.01V